

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

MICHAEL D. BUBAR,

Plaintiff

v.

WALMART, INC.

Defendant

Civil Action No. _____

NOTICE OF REMOVAL

TO: Christa K. Berry, Clerk of Court
U.S. District Court, District of Maine
Margaret Chase Smith Federal Building & Courthouse
202 Harlow Street
Bangor, ME 04401

Diane Glidden, Clerk of Court
Aroostook Superior Court - Houlton
26 Court Street, Ste 201
Houlton, ME 04730

Patrick E. Hunt, Esq., Counsel for Plaintiff
Patrick E. Hunt, P.A.
7 Sherman Street
P.O. Box 130
Island Falls, ME 04747

NOW COMES, Defendant Walmart, Inc. (“the Defendant”), by and through its attorneys, Getman, Schulthess, Steere & Poulin, P.A. and pursuant to 28 U.S.C. § 1332, 1441, and 1446, hereby removes this action, previously pending as Docket No. HOUSC-CV-2023-00017 in the Aroostook County Superior Court, for the State of Maine, to the United States District Court for the District of Maine. In support of this Notice, the Defendant states as follows:

1. Complaint: On September 8, 2023, Plaintiff filed the Complaint in this action against the Defendant. Plaintiff asserts claims of Negligence and seeks damages for injuries allegedly resulting from an injury sustained to his hand in the parking lot of the Walmart Store located in Houlton, Maine. *See* Plaintiff's Complaint ("Complaint") ¶ 3 through 8 (Exhibit A).

2. Consent: Walmart, Inc. is the only Defendant in this action and therefore consent was not necessary from any other parties.

3. Basis for Jurisdiction in this Court: The basis for jurisdiction in this Court is diversity of citizenship, pursuant to 28 U.S.C. § 1332(a).

A. Citizenship of Plaintiff: Plaintiff is a citizen of the State of Maine. *See* Complaint ¶1.

B. Citizenship of Defendant: Defendant is a Delaware corporation with its principal place of business in Arkansas. Defendant is thus a citizen of the states of Delaware and Arkansas. *See* 28 U.S.C. § 1332(c)(1). The Defendant is not, and was not at the time this action was filed, a citizen of the State of Maine.

C. Amount in Controversy: From the face of the Complaint, it is readily apparent that the amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. Plaintiff alleges to have suffered immediate injuries, pain and suffering, mental anguish, hospital care, additional medical care, medicines, travel expenses and other expenses. *See* Complaint ¶ 8 and A through M. Such allegations of personal injury, medical expenses, pain and suffering and mental anguish demonstrate that over \$75,000 in controversy in this matter.

4. Notice Given: In accordance with 28 U.S.C. § 1446(d), the Defendant has provided a copy of the within Notice of Removal, as well as a Notice of Filing of Notice of Removal to Counsel for the Plaintiff. A copy of the within Notice of Removal as well as a Notice of Filing Notice of Removal has been filed with the Aroostook County Superior Court to affect the removal of this action to the United States District Court for the District of Maine as required by 28 U.S.C. § 1446(d). *See* Exhibit D (Notice of Filing).

5. Timeliness: On October 19, 2023, the Defendant was served a Summons with a copy of the Complaint via sheriff's service, upon its Registered Agent, CT Corporate System, 1000 Second Avenue, Augusta, ME. Accordingly, this Notice of Removal is timely filed within the thirty days allotted for removal by 28 U.S.C. § 1446(b).

6. Pleadings and Process: Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders previously filed and/or served which are in the Defendant's possession are attached hereto as Exhibits. *See* Exhibit A (Complaint), Exhibit B (Writ of Summons) Exhibit C (Return of Service) and Exhibit D (Notice of Filing).

7. Filing Fee: Defendant presents herewith the sum of \$402.00 as the filing fee for this civil case.

WHEREFORE, the Defendant hereby removes this case from the Aroostook County Superior Court, of the State of Maine, to this United States District Court for the District of Maine.

Respectfully submitted,

Walmart, Inc.

By Its attorneys,

Getman, Schulthess, Steere & Poulin, P.A.

Dated: November 17, 2023

By: /s/ Elizabeth L. Hurley
Elizabeth L. Hurley, Esquire
ME Bar # 005838
1838 Elm Street
Manchester, NH 03104
(603) 634-4300
ehurley@gssp-lawyers.com

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Removal was sent, via email and US Mail, to Patrick Hunt, Esquire, counsel for the Plaintiff.

Dated: November 17, 2023

By: /s/ Elizabeth L. Hurley
Elizabeth L. Hurley, Esquire
ME Bar # 005838